



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD OCTOBER 20, 2008

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie.
2. City Council reviewed this evening's agenda.
3. Study Session:
 - A. Support for Historic Olde Town Arvada (HOTA)

Craig Kocian said during the budget process it was agreed we needed to talk about the continued payment to HOTA of \$96,000 per year. He said there is \$96,000 in the budget for each of the next two years for HOTA activities. He said the same amount is budgeted in the financial model for the next three years after that. Mr. Kocian said staff recommends keeping the \$96,000 level but that is City Council's decision. He gave a brief history of how and why we have been giving funds to HOTA. He said our support has more to do with who is the overseer of the area. He said for most of the traditional developments, there are property owners and managers and they take care of the entire development and it is generally in private sector hands. He said in Olde Town, we are the major owner of property in that area with our streets, sidewalks, parks, rights-of-way and easements. He said there is also no one central activity for the commercial area or its marketing. He said on that basis, we have continued to recommend to City Council our participation and continued funding. Mr. Kocian said we also had an attempt to form a Business Improvement District and the message to the property owners and HOTA was that the City is willing to participate but not to carry the entire burden and be the business manager. He said this study session is to meet staff's promise that we would hold a study session in October and to discuss where City Council wants to go on this and the funding level.

Mayor Frie asked what the \$96,000 is spent on. Mr. Kocian said 60% is on administration for the Olde Town area and the remaining 40% is used for the various festivals and events held each year in Olde Town.

Danielle Hastings, Executive Director of HOTA was present and handed out a letter to City Council thanking them for including funds in the 2009-2010 budgets. She said they currently have 61 businesses and 94 memberships. Mr. Ken Olsen was also present and said he helps HOTA with their financial issues. He said their budget is about \$150,000. He said they will continue looking for ways to bring in revenue so that the City does not have to help them out.

Councilmember Dyer said he would like everyone to be thinking about events that could be held in other areas of the city and not just Olde Town.

4. City Council Reports:

Following discussion, City Council decided to pull from first reading the ordinance regarding smoke, soot and cinders.

5. City Manager Reports:

Craig Kocian discussed the reserve in the budget. City Council decided they would like to have a study session on the issue. Staff will try to get it scheduled for January.

6. Bill Ray reported on DRCOG's upcoming vote on November 19 regarding the fiscally constrained plan. He asked if City Council still intends to engage a lobbyist in this effort and if so, how much City Council wants to spend. City Council asked Mr. Ray to consult with the Board of Directors of the Jefferson Parkway Public Highway Authority because maybe it should be an expense of the Authority.

I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 6:30 p.m.

II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**

III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Councilmember Williams moved to excuse Mayor Pro Tem Anderson.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was Approved.

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Chris Daly, City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Maria VanderKolk, City Manager's Office; and Christine Koch, City Clerk.

IV. **APPROVAL OF MINUTES OF THE OCTOBER 13, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. **PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA**

- A. Bill Orchard, Co-Chair of the Arvada Park Advisory Committee, addressed City Council and asked if City Council has any directives they would like the Parks Advisory Committee to address over the next year, and if so, please get them to Gordon Reusink.
- B. Mr. Russell Weisfield, Arvada, addressed City Council regarding garbage collection, Sister Cities and the upcoming blight ordinance.
- C. Roger McCarville, Arvada, addressed City Council regarding State Ballot Issue "O".

VI. NEW BUSINESS

A. Consent Agenda

1. R08-120 A Resolution Accepting an Annexation Petition Concerning Valley Farms (Spano), W. 52nd & Jay Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for December 1, 2008 at 7:00 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
2. R08-121 A Resolution Authorizing an Agreement By and Between the City of Arvada and COCAT, Inc. for Property Maintenance and Repair Services Not to Exceed \$167,000.00 Per Annum

Councilmember Allard moved that R08-120, A Resolution Accepting an Annexation Petition Concerning Valley Farms (Spano), W. 52nd & Jay Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for December 1, 2008 at 7:00 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation and R08-121, A Resolution Authorizing an Agreement By and Between the City of Arvada and COCAT, Inc. for Property Maintenance and Repair Services Not to Exceed \$167,000.00 Per Annum, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

B. Ordinances (First Reading)

1. CB08-038 An Ordinance Amending Chapter 22, Businesses, by Retitling and Amending Certain Provisions of Article IV, Massage Establishments (Public hearing to be set for November 3, 2008 at 7:00 p.m.)
2. CB08-039 An Ordinance Amending Division 2, Wood Burning Stoves of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code, To Repeal, Retitle and Reenact Section 38-285, Smoke, Soot, Cinders, Etc. and to Enact Section 38-286, Penalty (Public Hearing to be set for November 3, 2008 at 7:00 p.m.)
3. CB08-040 An Ordinance of the City of Arvada, Colorado Making a Declaration That an Area of the City of Arvada is a Blighted Area and Making Certain Findings of Fact With Respect Thereto (Public Hearing to be set for November 3, 2008 at 7:00 p.m.)
4. CB08-041 An Ordinance of the City of Arvada, Colorado Approving the Village Commons Urban Renewal Plan (Public Hearing to be set for November 3, 2008 at 7:00 p.m.)
5. CB08-042 An Ordinance Vacating a Portion of West 67th Avenue, Alison Hill Estates, W. 67th & Balsam St. (Public Hearing to be set for November 17, 2008 at 7:00 p.m.)
6. CB08-043 An Ordinance Rezoning Certain Land Within the City of Arvada,

Spry Center, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street (Public Hearing to be set for November 17, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-038, An Ordinance Amending Chapter 22, Businesses, by Retitling and Amending Certain Provisions of Article IV, Massage Establishments; CB08-040, An Ordinance of the City of Arvada, Colorado Making a Declaration That an Area of the City of Arvada is a Blighted Area and Making Certain Findings of Fact With Respect Thereto and; CB08-041, An Ordinance of the City of Arvada, Colorado Approving the Village Commons Urban Renewal Plan, all be approved on first reading, ordered published in full and a public hearing be set for November 3, 2008 at 7:00 p.m. and that CB08-042, An Ordinance Vacating a Portion of West 67th Avenue, Alison Hill Estates, W. 67th & Balsam St. and CB08-043, An Ordinance Rezoning Certain Land Within the City of Arvada, Spry Center, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street be approved on first reading, ordered published in full and a Public Hearing date be set for November 17, 2008 at 7:00 p.m. and that CB08-039, An Ordinance Amending Division 2, Wood Burning Stoves of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code, To Repeal, Retitle and Reenact Section 38-285, Smoke, Soot, Cinders, Etc. and to Enact Section 38-286, Penalty; be pulled from consideration.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

VII. CITY COUNCIL REPORTS

A. Councilmember Azari said one of the committees of the National League of Cities has published a report which he would like City Council and staff to review.

B. Councilmember Azari said DRCOG is currently considering the application from the Jefferson Parkway Public Highway Authority and that the application has been referred back to the Transportation Committee to look at some issues. Mr. Azari told City Council he has sent a letter to DRCOG addressing these issues.

VIII. CITY MANAGER REPORTS

A. Craig Kocian said staff is requesting a motion to cancel the October 27 City Council meeting.

Councilmember Williams moved that the October 27, 2008 City Council meeting be cancelled.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

- B. Craig Kocian said at the time City Council discussed the ordinance regarding hookah bars, there was a statement made about the city's failure to communicate with the owner of the proposed hookah bar and as a result the owner went to a lot of expense. Mr. Kocian said staff did not get an opportunity to respond to that comment and the issue was reported in the Chamber of Commerce's newsletter as if it were true. He said the owner was found to be doing construction in the space without a permit. He was told to stop work and to get a permit and when he came in to city hall, staff asked him what the space would be used for and when he said a hookah bar, he was told that city staff was proposing to City Council an ordinance that would prohibit hookah bars and that there would be no grandfathering of his proposal. He went ahead and made the changes to his building.

IX. PUBLIC HEARINGS

- A. CB08-033 An Ordinance Appropriating Funds for Fiscal Year 2009 (Ordinance No. 4131)
1. R08-122 A Resolution Adopting the Budget for Fiscal Year 2009
 2. R08-123 A Resolution Approving, in Content, the Arvada Urban Renewal Authority (AURA) Budget for Fiscal Year 2009

Mayor Frie opened the public hearing on CB08-033.

Craig Kocian, City Manager, introduced this ordinance.

Vik Runkle, Finance Director, briefly reviewed the proposed budget and referred back to the many study sessions already held with City Council on the 2009 budget.

Mayor Frie closed the public comment portion of the public hearing.

Craig Kocian explained to the audience that City Council has spent many hours in study sessions and in retreats discussing budget matters for 2009.

Councilmember Williams moved that CB08-033, An Ordinance Appropriating Funds for Fiscal Year 2009 be approved on final reading, numbered 4131 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

Councilmember Williams moved that R08-122, A Resolution Adopting the Budget for Fiscal Year 2009, be approved.

The following votes were cast on the Motion:

Those voting Yes: Azari, Dyer, McGoff, Williams

Those voting No: Frie, Allard

Absent: Anderson

The Motion was approved.

Councilmember Williams moved that R08-123, A Resolution Approving, in Content, the Arvada Urban Renewal Authority (AURA) Budget for Fiscal Year 2009, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

- B. CB08-034 An Ordinance Certifying the City of Arvada Mill Levy for 2009 for the Board of County Commissioners for Jefferson and Adams Counties (Ordinance No. 4132)

Mayor Frie opened the public hearing on CB08-034.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Williams moved that CB08-034, An Ordinance Certifying the City of Arvada Mill Levy for 2009 for the Board of County Commissioners for Jefferson and Adams Counties be approved on final reading, numbered 4132 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

- C. CB08-037 An Ordinance Amending Section 74-31 (“Land-Use Fees”) of Article II (“Community Development Department Services Fees”) of Chapter 74 (“Planning and Development”) of the Code of the City of Arvada as it Relates to Blight Hearings and Temporary Use Permit Fees (Ordinance No. 4133)

Mayor Frie opened the public hearing on CB08-037.

Mike Elms, Director of Community Development, briefly reviewed this ordinance.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Dyer moved that CB08-037, An Ordinance Amending Section 74-31 (“Land-Use Fees”) of Article II (“Community Development Department Services Fees”) of Chapter 74 (“Planning and Development”) of the Code of the City of Arvada as it Relates to Blight Hearings and Temporary Use Permit Fees be approved on final reading, numbered 4133 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

Councilmember Azari has to be excused from CB08-035. He said his bank is either providing or involved in the financing for this project.

Mayor Frie stated they would take up Item 7.H and 7.I first so that Councilmember Azari can then be excused from the rest of the meeting.

- H. CB08-036 An Ordinance Rezoning Certain Land Within the City of Arvada, The Academy Child Development Center, from PUD-BP (with use restrictions) to PUD-BP (to include additional uses) and Amending the Official Zoning Maps of the City of Arvada, Colorado, 6412 Fig Street (Ordinance No. 4135)
- I. The Academy Child Development Center Preliminary Development Plan, 6412 Fig Street

Mayor Frie opened the public hearings on CB08-036 and The Academy Child Development Center Preliminary Development Plan.

Mike Elms, Director of Community Development, stated that the posting logs and mailing affidavit have been received and are in order. Mayor Frie made them a part of the official record.

Mr. Chris Sibilila, the architect representing the developer, addressed City Council and offered to answer any questions City Council may have. He gave a brief background of the proposal.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Azari moved that CB08-036, An Ordinance Rezoning Certain Land Within the City of Arvada, The Academy Child Development Center, from PUD-BP (with use restrictions) to PUD-BP (to include additional uses) and Amending the Official Zoning Maps of the City of Arvada, Colorado, 6412 Fig Street, be approved subject to the attached updated condition of approval on final reading, numbered 4135 and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

Councilmember Azari moved that The Academy Child Development Center Preliminary Development Plan, 6412 Fig Street, be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

Councilmember Williams moved to excuse Councilmember Azari from the agenda items regarding Whisper Creek II.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Absent: Anderson

The Motion was approved.

- D. CB08-035 An Ordinance Rezoning Certain Land Within the City of Arvada, Whisper Creek II at Wildgrass, from NC-C/OF (New Communities Retail Commercial & Office) and NC-I/OF (New Communities Industrial & Office) to PUD-BPR (Planned Unit Development-Business, Professional & Residential), and PUD-R (Planned Unit Development-Residential), 3.44 un/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 90th & Indiana (Ordinance No. 4134)
- E. Whisper Creek II at Wildgrass Outline Development Plan, W. 90th & Indiana Street
- F. Whisper Creek II at Wildgrass Preliminary Development Plan, W. 90th & Indiana Street
- G. Whisper Creek II at Wildgrass Preliminary Plat, W. 90th & Indiana Street

Mayor Frie opened the public hearings on CB08-035, the Whisper Creek II Outline Development Plan, Preliminary Development Plan and Preliminary Plat.

Mike Elms, Director of Community Development, stated that the posting logs and mailing affidavit have been received and are in order. He said a letter has also been received from the Arvada Fire Protection District and they are okay with their land being rezoned. Mayor Frie made them a part of the official record. Mr. Elms briefly reviewed the project with City Council.

Mayor Frie swore those in wishing to speak.

Mr. Craig Carr was present and reviewed the project with City Council. He showed the site plan, discussed the mixed use residential emphasis, the community park and the commercial area.

Bill Ray, Deputy City Manager, responded to a question about the location of the Jefferson Parkway.

City Council asked questions regarding the number of lanes at the intersection on Indiana and the trail connection, and the size of the homes

Mayor Frie closed the public comment portion of the public hearing.

Councilmember McGoff moved that CB08-035, An Ordinance Rezoning Certain Land Within the City of Arvada, Whisper Creek II at Wildgrass, from NC-C/OF (New Communities Retail Commercial & Office) and NC-I/OF (New Communities Industrial & Office) to PUD-BPR (Planned Unit Development-Business, Professional & Residential), and PUD-R (Planned Unit Development-Residential), 3.44 un/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 90th & Indiana, be approved subject to the attached updated condition of approval on final reading, numbered 4134 and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Dyer, McGoff, Williams

Absent: Anderson

Excused: Azari

The Motion was approved.

Councilmember McGoff moved that Whisper Creek II at Wildgrass Outline Development Plan,

W. 90th & Indiana Street, be approved subject to the attached updated condition of approval. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Dyer, McGoff, Williams
Absent: Anderson
Excused: Azari
The Motion was approved.

Councilmember McGoff moved that Whisper Creek II at Wildgrass Preliminary Development Plan, W. 90th & Indiana Street, be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Dyer, McGoff, Williams
Absent: Anderson
Excused: Azari
The Motion was approved.

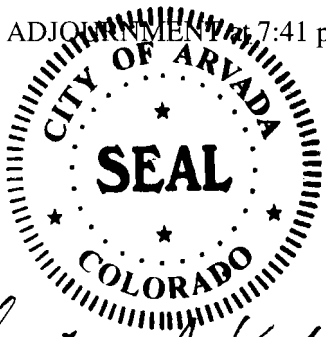
Councilmember McGoff moved that Whisper Creek II at Wildgrass Preliminary Plat, W. 90th & Indiana Street, be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

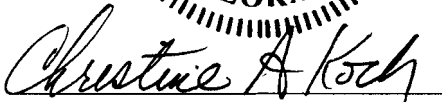
Those voting Yes: Frie, Allard, Dyer, McGoff, Williams
Absent: Anderson
Excused: Azari
The Motion was approved.

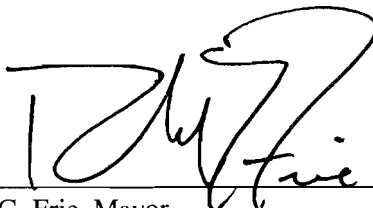
X. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XI. ADJOURNMENT at 7:41 p.m.



SEAL:


Christine A. Koch, City Clerk


Robert G. Frie, Mayor